United Nations Convention on the Law of the Sea SPLOS/259

Meeting of States Parties

Distr.: General
1 April 2013

Original: English

Twenty-third Meeting
New York, 10-14 June 2013

Letter dated 1 April 2013 from the Chair of the Commission on the Limits of the Continental Shelf addressed to the President of the twenty-third Meeting of States Parties

1. I wish to inform you, in my capacity as Chair of the Commission on the Limits of the Continental Shelf, about the progress of work in the Commission since the twenty-second Meeting of States Parties, held in June 2012.

2. I wish to recall that since June 2012, the Commission has held its thirtieth and thirty-first sessions at United Nations Headquarters, from 30 July to 24 August 2012 and from 21 January to 8 March 2013, respectively. Details of the work carried out by the Commission at those sessions are set out in the statements by the Chair on the progress of work contained in documents CLCS/76 and CLCS/78.

Thirtieth session of the Commission

3. The thirtieth session was the first to be attended by the 20 members elected at the twenty-second Meeting of States Parties for a term of five years. At the thirtieth session, before assuming their duties, those members made the solemn declaration pursuant to rule 10 of the rules of procedure of the Commission (CLCS/40/Rev.1).

4. The Commission elected by acclamation Lawrence Folajimi Awosika as Chair. Galo Carrera, George Jaoshvili, Yong-Ahn Park and Walter R. Roest were elected by acclamation as Vice-Chairs. In accordance with rule 13 of the rules of procedure, the Chair and the Vice-Chairs of the Commission were elected for a term of two and a half years.

Workload of the Commission

5. The Commission discussed the request of the Meeting of States Parties to the Convention (see SPLOS/229, para. 1) that the Commission consider, in coordination with the Secretariat, meeting in New York for up to 26 weeks, but not less than an intended minimum of 21 weeks per year for a period of five years, distributed in whichever way that the Commission determined to be the most effective, and that no two sessions be sequential. In that connection, a number of proposals were made with regard to the working methods of the Commission and its subcommissions.

13-27589 (E) 150413

Please recycle

6. The Commission decided to hold, in 2013, three sessions of seven weeks each, including plenary meetings, for a total of 21 weeks of meetings of the Commission and its subcommissions. It also decided that 4 of those 21 weeks would be devoted to plenary meetings.

7. Pursuant to that decision, the Commission further decided that:

(a) The thirty-first session would be held from 21 January to 8 March 2013. The plenary parts of that session would be held, subject to the approval of the General Assembly, from 28 January to 1 February and from 25 February to 1 March 2013;

(b) The thirty-second session would be held from 15 July to 30 August 2013. The plenary parts of that session would be held, subject to the approval of the General Assembly, from 12 to 16 and from 26 to 30 August 2013;

(c) The thirty-third session would be held from 7 October to 22 November 2013, with no plans for plenary meetings.

8. In addition to increasing to 21 the number of weeks of meetings in 2013, the Commission decided to adopt a new working arrangement for its subcommissions. It decided to establish four new subcommissions, so that six subcommissions would actively consider submissions. Furthermore, in establishing those subcommissions in accordance with rule 42 of the rules of procedure, the Commission would take into consideration the membership of the existing ones. The appointment of members of the new subcommissions would be carried out in such a way that, as a result, three groups of members of the Commission would be formed to handle the work of two separate subcommissions, with each subcommission electing its officers for the consideration of each submission before it.

9. The Commission also agreed that this arrangement should be applied flexibly, taking into account the specifics of each submission.

10. In the light of that decision, the Commission agreed to establish four new subcommissions at its thirtieth session. The composition of two of them would be identical to the membership of the existing subcommissions, namely, those established for the consideration of the submissions made by Uruguay and the Cook Islands concerning the Manihiki Plateau. So as to achieve a balanced three-group arrangement, the Commission also agreed to make necessary changes in the membership of the two existing subcommissions. In doing so, it took into account the need to ensure equitable distribution of the workload as well as the expertise of members and geographic distribution among them. The membership of the other two subcommissions, representing the third group, would then be determined ex novo.

11. The Commission decided to keep these working arrangements under review and to again include the workload of the Commission as an agenda item for the thirty-first session.

12. The Commission also decided that, following the election of members of the Commission at the twenty-second Meeting of States Parties, the ad hoc working group appointed by the Commission to address issues relating to its workload had to be reconstituted.

Establishment of new subcommissions

13. The Commission recalled that the submissions made by Myanmar; Yemen; the United Kingdom of Great Britain and Northern Ireland, in respect of the Hatton-Rockall Area; Ireland, in respect of the Hatton-Rockall Area; and Fiji were at the head of the queue.

14. With regard to the submission made by Myanmar, the Commission noted that, in spite of a communication received from Myanmar, it was not in a position to establish a subcommission owing to the absence of an official communication from Bangladesh. Consequently, the Commission decided to address a letter to the Government of Bangladesh seeking an indication as to its position in that regard. It was also agreed that a communication from the Chair would be addressed to Myanmar with a view to informing its Government of the aforementioned.

15. With regard to the submissions made by Yemen; the United Kingdom of Great Britain and Northern Ireland, in respect of the Hatton-Rockall Area; Ireland, in respect of the Hatton-Rockall Area; and Fiji, the Commission recalled its decisions taken at earlier sessions (see CLCS/64, paras. 40, 46 and 52; CLCS/68 and Corr.1, paras. 19 and 51; and CLCS/70, para. 42). Noting that there had been no developments indicating that consent existed on the part of all States concerned allowing their consideration, the Commission decided to further defer the establishment of subcommissions for the consideration of those submissions. It also decided that, since those submissions remained next in line for consideration as queued in the order in which they had been received, it would revisit the situation at the time of the establishment of its next subcommission.

16. In the light of its decision on the workload, the Commission decided to establish subcommissions for the consideration of the four submissions that were next in the queue, namely, the submission made by Argentina, the submission made by Ghana, the partial submission made by Iceland on the Ægir Basin area and the western and southern parts of Reykjanes Ridge, and the partial submission made by Denmark on the area north of the Faroe Islands.

Consideration of submissions

17. The Commission and its subcommissions commenced the consideration of the submission made by Argentina, the submission made by Ghana, the partial submission made by Iceland on the Ægir Basin area and the western and southern parts of Reykjanes Ridge, and the partial submission made by Denmark on the area north of the Faroe Islands. The Commission and its subcommissions also continued their consideration of the submissions made by Uruguay and the Cook Islands in respect of the Manihiki Plateau. The subcommissions also held meetings with the respective delegations of those States.

18. The Commission heard a presentation on the submission made by the United Republic of Tanzania and a second presentation on the submission made by Argentina at the latter's request for the benefit of newly elected members. In each case, the Commission addressed the modalities for the consideration of those submissions and took decisions that were reflected in the relevant statement by the Chair (CLCS/76).

19. Finally, the Commission took note of the new submission made by Denmark in respect of the Southern Continental Shelf of Greenland on 14 June 2012.

Thirty-first session of the Commission

20. Following his election by the special Meeting of States Parties to the Convention held on 19 December 2012, Szymon Uścinowicz made the solemn declaration pursuant to rule 10 of the rules of procedure of the Commission.

Consideration of submissions

21. The Commission and its subcommissions continued their consideration of the submission made by Uruguay, the submission made by the Cook Islands in respect of the Manihiki Plateau, the submission made by Argentina, the submission made by Ghana, the partial submission made by Iceland in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge, and the partial submission by Denmark in respect of the area north of the Faroe Islands. The subcommissions also held meetings with the respective delegations of those States.

22. With regard to the submission made by Myanmar, the Commission took note of communications received from Bangladesh and Myanmar and decided to further defer the consideration of the submission of Myanmar in order to take into account any further developments that might occur in the intervening period, during which the States concerned might wish to take advantage of the avenues available to them, including provisional arrangements of a practical nature as outlined in annex I to the rules of procedure.

23. The Commission heard presentations on the submission made by Ghana and the submission made by Iceland in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge. It also heard a second presentation on the submission made by Denmark in respect of the area north of the Faroe Islands at the latter's request for the benefit of newly elected members. In each case, the Commission took decisions on the modalities for the consideration of these submissions (see CLCS/78).

24. Finally, the Commission took note of the new submissions made by Tuvalu, France and New Zealand (Tokelau) in respect of the area of the Robbie Ridge, on 7 December 2012; by China in respect of part of the East China Sea, on 14 December 2012; by Kiribati, on 24 December 2012; and by the Republic of Korea, on 26 December 2012.

Workload of the Commission

25. The Commission continued to discuss matters related to its workload and concluded that, owing to the extended stay of members in New York, those matters were closely related to their working conditions. In particular, concerns were expressed in relation to medical and dental insurance for members of the Commission. In relation to the organization of work, the Commission discussed in particular the possibility of increasing the number of submissions currently considered by subcommissions, on the understanding that no member of the Commission should be appointed to more than four subcommissions, as well as the possibility of adopting, with the agreement of the Meeting of States Parties, a flexible approach regarding which submission in the queue should be considered next when the available members were ineligible to consider the submission next in the queue. Working conditions, including lack of office space, loss of income while in New York, visits by family members and the high cost of prolonged stays in New

York, especially in relation to the effects that these conditions might have on the attendance of the members at all sessions of the Commission, were also raised.

26. In that regard, the Commission requested the Chair to suggest to the Meeting of States Parties that an intersessional working group of the Meeting of States Parties be established to consider issues related to medical and dental insurance, including the possible use of a trust fund for that purpose.

Other matters

27. In addition, the Commission briefly addressed the issue of the attendance of its members and re-emphasized that it was important that all members of the Commission attend all its meetings. The Commission requested the Chair to continue to address instances of non-attendance on a case-by-case basis, as necessary and appropriate, with a view to ensuring the full participation of all members in the work of the Commission and, if warranted, reminding the nominating States of their obligations under article 2, paragraph 5, of annex II to the Convention.

28. I would like to reiterate, on behalf of all members of the Commission, our gratitude to the Meeting of States Parties for its continued support of our work. In particular, I wish to thank the Governments of China, Denmark, Iceland, Japan, Mexico and the Republic of Korea for their contributions to the Trust Fund for the purpose of defraying the cost of the participation of Commission members from developing States in the meetings of the Commission. I would like to appeal to other States to contribute to the Fund with a view to enabling the Commission to continue tackling its challenging workload in a sustainable manner and with the participation of all its members. In this connection, I would like to emphasize the importance of the Trust Fund in the light of the new working arrangements adopted by the Commission after its consideration of the request of the Meeting of States Parties. Without a sustained flow of contributions, the Trust Fund will not be able to assist eligible members in the context of 21 weeks of meetings of the Commission and its subcommissions.

29. On behalf of the Commission, I would also like to express gratitude to the Division for Ocean Affairs and the Law of the Sea for the high standard of secretariat services that it renders to the Commission.

30. I would like to request that the present letter be circulated as a document of the twenty-third Meeting of States Parties.

(*Signed*) Lawrence Folajimi **Awosika**
Chair of the Commission on the Limits of the Continental Shelf